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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,533	10/10/2003	Yuki Kanno	086142-0587	9724
22428	7590	05/19/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				TO, TOAN C
		ART UNIT		PAPER NUMBER
		3616		

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/682,533	KANNO ET AL.	
	Examiner Toan C. To	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2006.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Desprez (U.S. 6,595,543).

As to claims 1-2, Desprez discloses a cover for an airbag module comprising: a plate member (4) having a top surface to be exposed to a vehicle cabin and a back surface, wherein the plate member is configured to be mated with an instrument panel (a dashboard is considered an instrument panel, see column 2, lines 55-60); and a frame member (6) extending from a back surface of the plate member (4); wherein the plate member (4) and the frame member (6) are configured to be formed separately and joined after formation; wherein the frame (6) member includes an opening (14); and wherein the plate member (4) covers the opening (14), wherein the plate member is formed of thermoplastic elastomer (see column 2, line 62); and the back surface of the plate member is configured to make unobstructed contact with the airbag upon deployment.

As to claim 3, Desprez discloses a cover for an airbag module, wherein the frame member (6) is formed of thermoplastic synthetic resin (see column 3, lines 7-11).

As to claims 4-10, Desprez discloses a cover for an airbag module, wherein the frame member (6) includes a base portion (22), an extension member (24); wherein the base portion (22) is joined with the back surface of the plate member (4); a vibration welded bond (36, see column 3, line 67) between the base portion (22) and the plate member (4).

As to claims 11-12, Desprez discloses a cover for an airbag module, wherein the extension member (24) extends in a direction away from the back surface of the plate member (4); wherein the base portion (22) extends from the extension member (24) in a direction away from a center portion of the plate member (4) and in a direction toward an edge portion of the plate member (4).

As to claims 13-15; Desprez discloses a cover for an airbag module, wherein the plate member (4) includes a projection (20) formed on the back surface; wherein the base portion (22) includes an aperture (34); and wherein the aperture (34) is configured to accept the projection (20); wherein the projection (20) is received in the aperture (34); wherein an engagement between the projection (20) and the aperture (34) is undetectable.

As to claim 20, Desprez discloses a cover for an airbag module comprising: a plate member (4) configured to mate with an instrument panel (a dashboard is considered an instrument panel, see column 2, lines 55-60); and a frame member (6) extending from a back surface of the plate member (4); wherein the plate member (4)

and the frame member (6) are configured to be formed separately and joined after formation; and wherein the plate member (4) is formed of thermoplastic elastomer (see column 2, lines 60-65); and the back surface of the plate member (4) is configured to make unobstructed contact with the airbag upon deployment.

As to claim 21, Desprez discloses a cover for an airbag module comprising: a plate member (4) having a top surface to be exposed to a vehicle cabin and a back surface, wherein, the plate member (4) configured to mated with an instrument panel (a dashboard is considered an instrument panel, see column 2, lines 55-60); a frame member (portion of the support 6 excluding the hinge 32) connected to a back surface of the plate member (4); wherein the frame member (6) is not integral with the plate member (4) and includes an opening (14) for the airbag (9) so that when deploying, the airbag does not deform the frame member (6); wherein the plate member is an elastomeric material, and the back surface of the plate member (4) is configured to make unobstructed contact with the airbag upon deployment.

As to claim 22, Desprez discloses an airbag module for protecting an occupant of a vehicle comprising: an airbag (9); and a cover having a plate member (4) and a frame member (6); wherein the plate (4) member has a top surface to be exposed to a vehicle cabin and a back surface; and wherein the frame member (6) extends from the back surface of the plate member (4); wherein, the plate member (4) configured to mated with an instrument panel (a dashboard is considered an instrument panel, see column 2, lines 55-60); wherein the plate member (4) and the frame member (6) are configured to be formed separately and joined after formation; wherein the frame

member (6) includes an opening (14); and wherein the plate member (4) covers the opening (14); wherein the plate member is an elastomeric material, and the back surface of the plate member (4) is configured to make unobstructed contact with the airbag upon deployment

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 6,601,870) in view of Gardner, Jr. (U.S. 6,753,057)

As to claims 1, and 6-12, Suzuki et al discloses a cover for an airbag module comprising: a plate member (12) having a top surface to be exposed to a vehicle cabin and a back surface; wherein, the plate member (12) is configured to mate with an instrument panel (10); and a frame member (26) extending from a back surface of the plate member (12); wherein the plate member (12) and the frame member (26) are configured to be formed separately and joined after formation; wherein the frame (26) member includes an opening; and wherein the plate member (12) covers the opening; wherein the frame member (26) includes a base portion (29), and an extension member (28); the extension member (28) extends in a direction away from the back surface of the plate member (26); the base portion (29) extends from the extension member (28) in a direction away from the center portion of the plate member an in a

direction toward an edge of the plate member; the back surface of the plate member (12) is configured to make unobstructed contact with the airbag upon deployment.

Suzuki et al discloses every element of the invention as discussed above except that the plate member is made from elastomeric material.

Gardner, Jr. teaches the invention, wherein the plate member 28 is made from elastomeric material. It would have been obvious design choice for one having ordinary skill in the art at the time the invention was made to make the plate member of Suzuki et al by the elastomeric material as taught by Gardner, Jr., since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In this case using teaching of Gardner to modify the plate member of Suzuki et al to ensure proper performance of the airbag module in order to protect occupant.

As to claims 13-17, Suzuki et al discloses a cover for an airbag module, wherein the plate member (12) includes a projection (17) formed on the back surface; wherein the base portion (29) includes an aperture (35); and wherein the aperture (35) is configured to accept the projection (17); wherein the projection (17) is received in the aperture (35); wherein an engagement between the projection (17) and the aperture (35) is undetectable; wherein an end of the projection (17) includes a keeper member, wherein the keeper member is configured to enlarge (see figures 5A-5B) an end of the projection so that the projection remains engaged with the aperture (35); wherein the keeper member comprises caulking (see column 7, line 67).

5. Claims 1, 6, 13-14, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al (U.S. 5,651,562) in view of Gardner, Jr. (U.S. 6,753,057)

As to claims 1, and 6, Hagen et al discloses a cover for an airbag module comprising: a plate member (62) having a top surface to be exposed to a vehicle cabin and a back surface; the plate member (62) is configured to mate with an instrument panel (20) and a frame member (42) extending from a back surface of the plate member (62); wherein the plate member (62) and the frame member (42) are configured to be formed separately and joined after formation; wherein the frame (42) member includes an opening (52); and wherein the plate member (62) covers the opening; the back surface of the plate member (62) is configured to make unobstructed contact with the airbag upon deployment; wherein the frame member (42) includes a base portion (42a).

Hagen et al discloses every element of the invention as discussed above except that the plate member is made from elastomeric material.

Gardner, Jr. teaches the invention, wherein the plate member 28 is made from elastomeric material. It would have been obvious design choice for one having ordinary skill in the art at the time the invention was made to make the plate member of Hagen et al by the elastomeric material as taught by Gardner, Jr., since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In this case using teaching of Gardner to modify the plate member of Hagen et al to ensure proper performance of the airbag module in order to protect occupant.

As to claims 13-14 and 18-19, Hagen et al discloses a cover for an airbag module, wherein the plate member (62) includes a projection (150) formed on the back surface; wherein the base portion (28) includes an aperture (30); and wherein the aperture (30) is configured to accept the projection (150); wherein the projection (150) is received in the aperture (30); a retaining member (176), wherein the retaining member is attached to an end of the projection (150) so that the projection remains engaged with the opening; wherein the retaining member comprises a clip (176)

### ***Response to Arguments***

6. Applicant's arguments filed February 23, 2006 have been fully considered but they are not persuasive.

In response to applicant's arguments with respect to the rejection based on Desprez, the examiner respectfully disagrees for the following reasons: in Desprez, upon deployment, the inflation force of the airbag 9 push up the hinge 32 which in turn push up the back surface of the plate member 4 such that the hinge 32 and the portion of the plate member 4 on top of the hinge 32 are opened and acted as an opening door for allowing the airbag to inflate through the opening door, in other words, the back surface of the plate member 4 does not block or obstruct inflation of the airbag 9. Therefore, the back surface of the plate member 4 in Desprez is considered to make unobstructed contact with the airbag upon deployment.

In response to applicant's arguments that Desprez does not disclose the frame member that does not deforms upon deployment, applicant is noted that the examiner

now interprets the portion of the support member 6 excluding the hinge 32 is corresponding to the frame member as claimed.

In response to applicant's arguments that Suzuki does not disclose "the back surface of the plate member is configured to make unobstructed contact with the airbag upon deployment", the examiner respectfully disagrees because in Suzuki, upon deployment the force of the airbag 21 acting on the back surface of the door 12 causes the door 12 to open for allowing the airbag 21 inflates therethrough, in other words, the door 12 which corresponds with the claimed plate member does not make obstructed contact with the airbag upon deployment.

In response to applicant's arguments that Hagen does not disclose the frame member is distinct from an instrument panel as claimed, applicant is noted that the examiner now interprets that in Hagen the canister 42 corresponds to the frame member and the instrument panel 20 correspond to the instrument panel as claimed.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo  
April 07, 2006

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600